



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/228,005	01/08/1999	FRANK A. LAWLER	3382-51701GA	7403
26119	7590	08/30/2004	EXAMINER	
KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204			HUYNH, SON P	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/228,005	01/08/1999	FRANK A. LAWLER	3382-51701GA	7403

7590 08/01/2003

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON
ONE WORLD TRADE CENTER, SUITE 1600
121 S.W. SALMON STREET
PORTLAND, OR 97204

EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED 08/01/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/228,005

Applicant(s)

LAWLER ET AL.



Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-23, 25, 27, 30-38 and 41-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-23, 25, 27 and 30-38 is/are rejected.
- 7) ☒ Claim(s) 41-43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 31 December 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on May 22, 2003 have been fully considered but they are not persuasive.

Applicant argues that neither Rowe nor Billock teaches or suggests "displaying the most closely related kind of summary information available for the selected programming." Examiner respectfully disagrees.

Rowe teaches displaying summary information such as text description, video segment, still image, video clip of the selected program on the program summary panel 90 (see col. 14, line 20+). Billock teaches when user select a program to view, the summary information such as text description, still image or full motion view of the selected program is displayed on the preview window (see figures 6-8). Therefore, either Rowe Billock teaches the summary information displayed on program summary window is "the most closely related kind of summary information available for the selected programming." For the reason given above, the examiner maintains the rejections as repeated below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-23, 25, 27, 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. (US 5,812,123) and in view of Marshall et al. (US 6,419,137).

Regarding claim 21, Rowe teaches an interactive televideo system having a central control node (head end processor 14) in bi-directional communication with plural viewer stations (set top converter 32) that includes video display sets 38 operably coupled to interactive station controllers, the central control node delivery video program over multiple channels to the plural viewer stations and receiving information from the interactive station controllers, the system including a program guide from which viewers select programming, a method of displaying summary information chosen from one or more kinds of summary information ranging in relatedness to the selected programming with a preference for displaying the most closely related kind of summary information available (see figure 1 and col. 14, lines 20-42), comprising:

Art Unit: 2611

providing programming information from the central control node to an interactive station controller, the programming information including at least an identity for each of a plurality of available programs;

providing summary information from the central control node to an interactive station controller, wherein the summary information is associated with at least one of the available programs and comprises display imagery including one or more of a still image, a plurality of images, a video segment of less than the entire program, or the current broadcast of the program;

accessing in programming information and displaying the programming information in the programming guide on the video display;

obtaining in response to the user selection indication the summary information relating to the programming selected by the viewer; and

displaying the most closely related kind of summary information available for the selected programming (see figures 1, 8, 10). Rowe also discloses the set top converter 32 comprises a memory device (see col. 10, lines 14-15). However, Rowe does not specifically disclose storing the programming information at the interactive station controller; and storing the summary information at the interactive station controller.

Marshall teaches storing the programming information and summary information at the "interactive station controller" (see figures 1, 2, 8 and col. 4, lines 35-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe to incorporate the feature as taught by Marshall in order to

Art Unit: 2611

access program guide information and summary information locally thereby quickly provide service to user.

Regarding claim 22, Rowe teaches the summary information includes a text description relating to the programming selected by the viewer (see figure 2).

Regarding claim 23, Rowe teaches the displaying of the summary information includes displaying the text description in a text description window 94 (see figure 2 and col. 14, lines 20-21).

Regarding claim 25, Rowe teaches the displaying of the summary information includes displaying the display imagery in a preview display window 92 (see figure 2 and col. 14, lines 20-22).

Regarding claim 27, Rowe teaches the selected programming is transmitted from the central control node when the programming is selected by the viewer and the video segment includes the transmitted selected programming (see figure 1 and col. 6, lines 4-67).

Regarding claim 30, Rowe teaches the summary information includes a text description and display imagery relating to the program selected by the viewer (see figure 2 and col. 14, lines 20-67).

Regarding claim 31, the limitations of the system as claimed correspond to the limitations of the method as claimed in claim 21 and are analyzed as discussed with respect to the rejection of claim 21.

Regarding claim 32, Rowe teaches the summary information includes a text description relating to the programming selected by the viewer and at least some of the images are video segments (see figure 8 and col. 14, lines 20-67).

Regarding claim 33, Rowe teaches the text description and video segment are displayed in, respectively, a text description window and a preview display window that are displayed adjacent each other (see figure 8).

Regarding claim 34, Rowe teaches the program summary information is displayed simultaneously with the program guide (see figure 8).

Regarding claim 35, Rowe teaches the programming summary information displayed for the viewer includes an icon indicating a predetermined characteristic of the selected programming (see col. 15, lines 46-58).

Regarding claim 36, Rowe teaches the predetermined characteristic of the selected programming is selectively cued by the viewer (see col. 15, lines 46-58).

Regarding claim 37, Rowe teaches an interactive video system having a central control node (head end processor 14) in bi-directional communication with plural viewer stations (set top converter 32) that includes video display sets 38 operably coupled to interactive station controllers, the central control node delivery video program over multiple channels to the plural viewer stations and receiving information from the interactive station controllers, the system including a programming guide listing program available to a viewer, a method of displaying summary information chosen from one or more kinds of summary information ranging in relatedness to the selected programming with a preference for displaying the most closely related kind of summary information available (see figure 1 and col. 14, lines 20-42), comprising:

- providing from the central control node to the plurality of viewer stations programming information, the programming information including at least an identification of a plurality of program currently available from the central control node and an identification of a plurality of future programs that will be available from the central control node at a future time;
- providing from the central control node to the plurality of viewer stations summary information, wherein the summary information is associated with at least one of the available programs and display imagery including one or more of a still image, a plurality of images, a video segment of less than the entire program, or the current broadcast of the program;

Art Unit: 2611

accessing and displaying the programming information at an individual user station in response to a request from a viewer of the individual user station to display the program guide;

obtaining a user selection at the individual user station, the user selection indicating a currently selected program within the program guide;

in response to a user selection of a currently available program, displaying at the individual user station the currently available program simultaneously with the program guide; in response to a user selection of one of the at least the future programs, accessing and displaying at the individual user station the most closely related kind of summary information available for the selected programming simultaneously with the program guide (see figures 1, 8, 10 and col. 14, lines 20-67). Rowe also discloses the set top converter 32 comprises a memory device (see col. 10, lines 14-15). However, Rowe does not specifically disclose storing the programming information at the interactive station controller; and storing the summary information at the interactive station controller.

Marshall teaches storing the programming information and summary information at the plurality of viewer stations (see figures 1, 2, 8 and col. 4, lines 35-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rowe to incorporate the feature as taught by Marshall in order to access program guide information and summary information locally thereby quickly provide service to user.

Regarding claim 38, Rowe teaches the summary information includes a text description relating to the programming available to the viewer and the text description is displayed simultaneously with the selected program and the program guide in response to a user selection of a currently available program (see figure 8).

3. Claims 21-23, 25, 27, 30-34, 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch (US 5,731,884), and in view of Billock et al. (US 5,619,249) and further in view of Marshall et al (US 6,419,137).

Regarding claim 21, Rauch disclose television system includes a cable source 110, computer 100 and television display 130 coupled to the computer 100 for displaying representing scheduled layout and user input device 120 for selecting a programming parameter for display (see fig. 1), a method of displaying for a viewer summary information relating to programming included in the program guide, comprising: providing programming information including at least the identities of a plurality of available programs and summary information from the television cable provider via cable source 110 to computer 100; storing the program information and summary information in the memory 150; accessing the programming information and display the programming information in the programming guide on the video display 130; obtaining a user selection indication corresponding to programming selected by the viewer from the programming guide; accessing in response to the user selection indication the

Art Unit: 2611

summary information relating to the programming selected by the viewer; and displaying the program summary information on the video display 130 (see col.4, line 34 – col. 5, line 67 and col. 9, lines 4-11). The bi-directional communication is well known to those skilled in the art. In addition, Rauch discloses if the program is being broadcast, the computer provides to the television to display in the picture-in graphics display window the program currently being broadcast (see col. 3, lines 16-19). Inherently, the summary information includes the current broadcast of the program. Rauch does not explicitly disclose a video segment of less than the entire program and displaying the most related kind of summary information available for the selected programming.

Billock discloses the summary information comprises “preview video” that contains the video portion of a short segment of a video program (see col. 2, line 62- col. 3, line 2 and col. 7, lines 45-50). Necessary, the summary information comprises “a video segment of less than the entire program.” Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rauch to incorporate method as taught by Billock in order to provide a detail information of a video program to user. However, neither Rauch nor Billock specifically discloses displaying the most related kind of summary information available for the selected programming.

Marshall discloses when user selects a program to preview, if a preview for program exist, load video preview. If not, display description page 47 in which only the written

Art Unit: 2611

description available with respect to the program is displayed (see figure 2 and col. 3, lines 49-67). Thus, Marshall teaches displaying the most related kind of summary information available for the selected programming. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rauch and Billock to incorporate the feature as taught by Marshall in order to provide information of the selected program to user while the selected program is not available.

Regarding claim 22, Rauch discloses the summary information includes a text description relating to the programming selected by the viewer (see col. 5, lines 7-8).

Regarding claim 23, Rauch discloses the displaying of the summary information includes displaying the text description in a text description window 230 (see col. 7, lines 24-32).

Regarding claim 25, Rauch discloses the displaying of the summary information includes displaying the display imagery in a preview display window 240 (see col. 7, lines 24-54).

Regarding claim 27, Rauch discloses the selected program is transmitted from the cable source 110 when the viewer selects the program and the multi-frame video segment includes the transmitted selected programming (see col. 9, lines 42-51 and col. 11, lines 53-65).

Regarding claim 30, Rauch discloses the summary information includes a text description and displaying imagery relating to the program selected by the viewer (see col. 7, lines 55-58).

Regarding claim 31, the elements of the system being claimed correspond to the elements of the method being claimed and are analyzed as discussed in the rejection of claim 21. A method of displaying for a viewer summary information relating to programming included in the program guide also comprising: obtaining from the cable source 110 programming summary information that relates to programming available to a viewer, the programming summary information including at least a plurality of images, each image being related to at least one of the available programming; storing the programming summary information in memory 150; obtaining an indication of programming selected by the viewer from the programming guide; retrieving from the memory the programming summary information corresponding to the programming selected by the viewer from the programming guide in respond to the obtained indication; and displaying the retrieved programming summary information for the viewer on a television set 130(see fig. 4 and col. 9, lines 30-60). However, neither Rauch nor Billock explicitly discloses the retrieved program information is the most closely related kind of summary information available for the selected programming.

Art Unit: 2611

Marshall discloses when user selects a program to preview, if a preview for program exist, load video preview. If not, display description page 47 in which only the written description available with respect to the program is displayed (see figure 2 and col. 3, lines 49-67). Thus, Marshall teaches the retrieved program information is the most closely related kind of summary information available for the selected programming. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rauch and Billock to incorporate the feature as taught by Marshall in order to provide information of the selected program to user while the selected program is not available.

Regarding claim 32, Rauch discloses the summary information includes a text description relating to the programming selected by the viewer and at least some of the images are video segments (see col. 9, lines 4-11).

Regarding claim 33, Rauch discloses the text description and video segment are displayed in, respectively, a text description window 230 and a preview display window 240 that are displayed adjacent each other (see fig. 2).

Regarding claim 34, Rauch discloses the summary information is displayed simultaneously with the program guide (see fig. 2 and col. 7, lines 23-33).

Art Unit: 2611

Regarding claim 36, Rauch discloses the predetermined characteristic of the selected programming is selectively cued by the viewer (see col. 9, line 51- col. 11, line 34).

Regarding claim 37, Rauch in view of Billock discloses a television system has a method of displaying summary information at an individual user station, the methods of providing, storing, obtaining user input and accessing the summary information are analyzed as discussed in the rejection of claim 21. However, neither Rauch nor Billock explicitly disclose the programming information including an identification of a plurality of future programs that will be available from the television cable provider at a future time; and in response to user selection of one of the at least one of the further programs, accessing and displaying at the individual user station the most closely related kind of summary information available for the selected programming simultaneous with the program guide.

Marshall teaches the programming information including an identification of a plurality of future programs that will be available from the television cable provider at a future time (see figure 7). Marshall also discloses when user selects a program to preview, if a preview for program exist, load video preview. If not, display description page 47 in which only the written description available with respect to the program is displayed (see figure 2 and col. 3, lines 49-67). Thus, Marshall teaches the retrieved program information is the most closely related kind of summary information available for the selected programming. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rauch and Billock to

Art Unit: 2611

incorporate the feature as taught by Marshall in order to provide information of the selected program which will be broadcast in future to user while the selected program is not available.

Regarding claim 38, Rauch discloses the summary information includes a text description relating to the programming available to the viewer and the text description is displayed simultaneously with the selected program and the programming guide in response to a user selection of a currently available program and analyzed as discussed in the rejection of claims 22 and 34.

4. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch (US 5,731,884), in view of Billock et al. (US 5,619,249) and Marshall et al (US 6,419,137), and further in view of Bennington et al. (US 6,418,556).

Regarding claim 35, Rauch in view of Billock and Marshall teaches a method as discussed in the rejection of claim 31. However, none of them discloses the programming summary information displayed for the viewer includes an icon indicating a predetermined characteristic of the selected programming.

Bennington et al. teaches programming summary information displayed for the viewer includes an icon (interactive icon) indicating a predetermined characteristic of the selected programming (see figure 21). Therefore, it would have been obvious to one of

Art Unit: 2611

ordinary skill in the art at the time the invention was made to modify Rauch, Billock and Marshall to incorporate the feature as taught by Bennington in order to provide further information for the selected program.

Allowable Subject Matter

5. Claims 41-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to show or fairly suggests a first programming choice for which episode specific program summary information is available, a second programming choice for which no episode specific program information is available but series-specific program summary information is available, and a third programming choice for which no episode-specific or series specific program summary information is available but channel specific program summary information is available.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2611


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh
July 30, 2003


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600